HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.26945 of 2006

–
–

Between:

Koppala Penchalamma ..... Petitioner.

And

District Collector,
Nellore and others.

..... Respondents.

:: O R D E R ::

Counsel for the petitioner : Sri M.V.Narasimham

28th December, 2006

Per G.S. SINGHVI, C.J.

In this petition filed under Article 226 of the Constitution, the petitioner has made the following substantive prayer:

"It is, therefore, prayed that this Hon'ble Court may be pleased to issue writ, order or direction more

particularly one in the nature of writ of mandamus declaring the action of respondent No.3 rejecting the case of the petitioner for conversion as Anganwadi Worker from E.C.E. Instructor vide proceedings No.103/2003, dated 15-4-2003 and consequential proceedings No.103/2004, dated 3-1-2005 of the 1st respondent in appointing 4th respondent against to the petitioner is highly illegal, arbitrary and violation of principles of natural justice and set aside the same and consequently direct the respondents to convert the petitioner as Anganwadi Worker from E.C.E. Instructor forthwith with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit, proper and necessary in the circumstances of the case."

We have heard Sri M.V.Narasimham, learned counsel for the petitioner and perused the record. In our opinion, the writ petition is liable to be dismissed on the short ground that Writ Petition No.25842 of 2005 filed by the petitioner for grant of identical relief was dismissed by the coordinate bench on 31-7-2006 by relegating the petitioner to the remedy under the Administrative Tribunals Act, 1985.

It is neither the pleaded case of the petitioner nor the learned counsel has argued that order dated 31-7-2006 passed in Writ Petition No.25842 of 2005 has been set aside by the Supreme Court or has been reviewed by the Bench. Therefore, we do not find any justification whatsoever for entertaining the second petition, which has to be dismissed as barred by res judicata. Ordered accordingly. However, it is made clear that if the petitioner is so advised, he may seek review of the order passed in Writ Petition No.25842 of 2005 by showing that a

full bench of the Andhra Pradesh Administrative Tribunal has declined to entertain the application filed by similarly situated persons.

As a sequel to dismissal of the writ petition, WPMP.No.34623 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, C.J.

28th December, 2006

C.V.NAGARJUNA REDDY, J.

ARS